

## Message Text

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15

ACTION EA-14

INFO OCT-01 ISO-00 EUR-25 NEA-14 IO-14 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01

PRS-01 SP-03 SS-20 USIA-15 OMB-01 AID-20 DPW-01 DRC-01

/165 W

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R 150920Z JUN 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 5822

INFO USDEL JEC PARIS

CINCPAC

USSAG/JCRC NKP THAI

USDAO SGN RVN

JCRC-L SGN RVN

CHUSDEL/FPJMT SGN RVN

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CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: MILI, PINS, VS

SUBJECT: PRG DRAFT AGREEMENT ON PRIVILEGES AND IMMUNITIES

AT TPJMC SESSION ON JUNE 14, PRG CHIEF DELEGATE TABLED THE NEW DRAFT AGREEMENT TO WHICH HE HAD ALERTED RVN DELEGATION UPON RESUMPTION OF TPJMC MEETINGS ON JUNE 11. RVN'S B/GEN HIEP ACCEPTED THE DRAFT FOR STUDY.

BEGIN TEXT

AGREEMENT: CONCLUDED BY THE TWO SOUTH VIENTNAMESE PARTIES AT THE CENTRAL TWO PARTY JOINT MILITARY COMMISSION WITH REGARD TO THE IMPLEMENTATION OF PRIVILEGES AND IMMUNITIES SPECIFIED IN ARTICLE 16 AND 17 OF THE PROTOCOL TO THE AGREEMENT ON THE CEASEFIRE IN SOUTH VIET NAM AND JOINT MILITARY COMMISSIONS AND LIMITED OFFICIAL USE

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IN ARTICLE 11 OF THE JOINT COMMUNIQUE OF JUNE 13, 1973.

GENERAL PROVISIONS

ARTICLE 1. A) ALL PRIVILEGES AND IMMUNITIES SPECIFIED IN ARTICLES 16 AND 17 OF THE PROTOCOL TO THE AGREEMENT ON THE CEASEFIRE IN SOUTH VIET NAM AND JOINT MILITARY COMMISSIONS AND IN ARTICLE 11, ITEM A, OF THE JOINT COMMUNIQUE OF JUNE 13, 1973 AND THE 11 POINTS OF PRIVILEGES AND IMMUNITIES WHICH WERE AGREED BY THE FOUR PARTY JOINT MILITARY COMMISSION, SHOULD BE IMPLEMENTED IMMEDIATELY, COMPLETELY, AND STRICTLY.

B) THE PRIVILEGES AND IMMUNITIES CITED ABOVE MUST BE CONFIRMED AS QUOTE EQUIVALENT TO THOSE ACCORDED DIPLOMATIC MISSIONS AND DIPLOMATIC PERSONNEL UNQUOTE AND GUARANTEED CONDITIONS FOR AN EFFICIENT EXECUTION OF THEIR MISSION SHOULD BE GIVEN MILITARY DELEGATES OF JOINT MILITARY ORGANIZATIONS IN THEIR CAPACITY AS REPRESENTATIVES OF THE SIGNATORIES AND IMPLEMENTORS OF THE AGREEMENT.

C) IF A JMC TEAM OF ONE PARTY IS STATIONED IN AND OPERATING WITHIN THE AREAS UNDER THE CONTROL OF THE OTHER PARTY, THE LATTER IS OBLIGATED TO ENSURE THAT GUARANTEED PRIVILEGES AND IMMUNITIES BY GIVEN THAT TEAM. THIS IS AN OBLIGATION AND JURIDICAL RESPONSIBILITY TOWARD THE AGREEMENT THAT NEITHER OF THE TWO PARTIES CAN UNILATERALLY CHANGE, RESTRICT, OR ABOLISH. DELEGATES OF ONE PARTY; WHILE STATIONED IN AND OPERATING WITHIN THE AREAS UNDER THE CONTROL OF THE OTHER PARTY, MUST BE GIVEN TREATMENT EQUAL TO THAT ACCORDED TO OTHER DIPLOMATIC MISSIONS. SPECIFIC PROVISIONS

WITH A VIEW TO CORRECTLY CARRYING OUT THE ABOVE-MENTIONED PRINCIPLES, IN ADDITION TO THE STRICT IMPLEMENTATION OF 11 POINTS RELEVANT TO PRIVILEGES AND IMMUNITIES WHICH WERE AGREED UPON, IN INSTANCES THAT A JMC TEAM IS STATIONED IN AN AREA UNDER THE CONTROL OF THE GVN, AND BASED ON THE REALISTIC POINT OF VIEW RELEVANT TO PRIVILEGES AND IMMUNITIES GRANTED UNTIL NOW, THE CENTRAL TWO PARTY JMC CLEARLY DEFINES THE FOLLOWING POINTS:

MOVEMENT

ARTICLE 2. A) EXCEPT FOR THOSE AREAS WHICH ARE BANNED TO DIPLOMATIC MISSIONS IN GENERAL, THE RVN WILL GUARANTEE FREE MOVEMENT FOR MILITARY DELEGATES OF THE PRG WITHIN THE AREAS UNDER THE CONTROL OF THE GVN.

B) DELEGATES OF THE PRG HAVE THE RIGHT TO COMMUNICATE WITH THEIR GOVERNMENT AND CIVILIAN AND MILITARY AUTHORITIES AS WELL AS THE REPRESENTATIVE BODY OF THEIR GOVERNMENT OUTSIDE SVN BY THE USE LIMITED OFFICIAL USE

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OF SUITABLE MEANS.

C) PROCEDURES FOR ENTRY AND DEPARTURE AT TAN SON NHUT AIRPORT APPLIED TO THE PERSONNEL OF THE PRG DELEGATION MUST BE THE SAME AS THOSE APPLIED TO THE SAIGON-HANOI WEEKLY LIAISON FLIGHTS.

ARTICLE 3. A) THE MILITARY DELEGATION OF THE PRG AND ITS MEMBERS HAVE THE RIGHT TO MAKE CONTACT WITH INDIVIDUALS OR GROUPS ON QUESTIONS CONCERNING THE DELEGATION AND ON QUESTIONS CONCERNING THE JOINT MILITARY COMMISSION. CONTACTS MAY BE MADE EITHER AT

THE DELEGATION HEADQUARTERS OR IN A PLACE AGREED ON BY THE  
PARTIES IN CONTACT.

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FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 5823

INFO USDEL JEC PARIS

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B) THE DELEGATION HAS THE RIGHT TO MAKE CONTACT WITH NEWS  
AGENCIES AND NEWSMEN WITHIN AND OUTSIDE THE COUNTRY, HOLDING  
PRESS CONFERENCE REGULARLY OR IRREGULARLY, MEETING WITH  
NEWSMEN PRIVATELY OR COLLECTIVELY. CONTACTS MAY BE MADE EITHER AT  
THE DELEGATION HEADQUARTERS OR IN A PLACE AGREED ON BY THE  
DELEGATION UPON ITS REQUEST.

C) ON ITS SIDE, THE RVN OFFERS ALL FACILITIES AND GUARANTEES  
SAFETY TO THE DELEGATION IN ALL ITS CONTACTS.

MEANS AND GUARANTEE OF MATERIAL COMFORTS

ARTICLE 4. A) THE DELEGATION SHOULD BE THOROUGHLY LINKED  
TELEPHONICALLY WITH THE JMC, WITH THE DELEGATIONS OF THE RVN AND  
THE USA, WITH DELEGATIONS OF THE ICCS AND WITH TELEPHONIC NET-  
WORKS IN THE CITY, AS WELL AS IN OTHER LOCALITIES.

B) THE RVN ASSURES REGULAR SUPPLIES OF WATER AND ELECTRICITY

TO THE DELEGATION, OFFERS ALL FACILITIES FOR BUILDING  
MAINTENANCE, FOOD CATERING AND SHOPPING; PROVIDES ALL COMFORTS  
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NEEDED BY THE DELEGATION FOR ITS ACTIVITIES AND EXISTENCE. THE  
DELEGATION MAY PURCHASE THESE ABOVE ITEMS FROM CONTRACTORS OR  
MAY SEND ITS MEMBERS TO BUY THEM DIRECTLY FROM SHOPS.

#### HEADQUARTERS & FLAG

ARTICLE 5. A) THE DELEGATION HEADQUARTERS IS INVIOABLE.  
THE RVN IS DUTY-BOUND TO APPLY ALL MEASURES SO THAT THE SAFETY OF  
THE DELEGATION IS NOT ENDANGERED AND THE DIGNITY OF THE DELE-  
GATION IS NOT OFFERED. THE SAFETY MEASURES FOR THE DELEGATION  
HEADQUARTERS MUST BE IN CONFORMITY WITH COMMON DIPLOMATIC RULES,  
FOR INSTANCE; NEITHER BLOCKHOUSES NOR CASEMATES SHOULD BE  
ESTABLISHED AROUND THE DELEGATION HEADQUARTERS AND NEITHER OB-  
STRUCTIONS NOR WEAPONS SHOULD BE EMPLOYED AT THE DELEGATION  
HEADQUARTERS.

B) THE DELEGATION HAS THE RIGHT TO RAISE THE FLAG OF ITS  
GOVERNMENT AT ITS DELEGATION HEADQUARTERS AND ON THE MEANS  
OF TRANSPORTATION OF THE CHIEF DELEGATE.

IF ONE OF THE TWO SIDES JUDGES IT NECESSARY TO ALTER OR TO AUGMENT  
THE ABOVE AGREEMENT, THE CENTRAL TWO PARTY JMC WILL RECONSIDER  
AND DECIDE. PENDING A NEW AGREEMENT, THE ABOVE AGREEMENT IS TO  
REMAIN IN EFFECT.

DONE AT TAN SON NHUT.....

END TEXT

AT SATURDAY MORNING PRESS CONFERENCE, PRG STATED THAT IT WAS  
INAPPROPRIATE TO MAKE PUBLIC TEXT OF THIS DRAFT SO LONG AS IT WAS  
UNDER STUDY BY THE GVN. PRG SPOKESMAN DID TELL NEWSMEN THAT,  
IN EVENT GVN REJECTED THE DRAFT, PRG QUOTE WOULD BE COMPELLED  
UNQUOTE TO RELEASE TEXT OF DRAFT SO THAT THE WORLD COULD KNOW  
QUOTE HOW REASONABLE AND LEGITIMATE UNQUOTE WERE ITS DEMANDS.  
MARTIN

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## Message Attributes

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**Subject:** PRG DRAFT AGREEMENT ON PRIVILEGES AND IMMUNITIES AT TPJMC SESSION ON JUNE 14, PRG CHIEF DELEGATE TABLED THE NEW  
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